

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,

INDICTMENT

Plaintiff,

18 U.S.C. § 2252(a)(4)(B)

v.

18 U.S.C. § 2252(b)(2)

GARY ROBERT DRAKE,

18 U.S.C. § 2253

21 U.S.C. § 853(p)

Defendant.

THE UNITED STATES GRAND JURY CHARGES THAT:

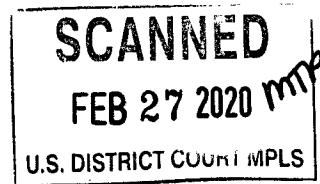
COUNT 1

(Access with Intent To View Child Pornography)

On or about January 15, 2015, in the State and District of Minnesota, the defendant,

GARY ROBERT DRAKE,

having previously been convicted under the laws of any State relating to aggravated sexual abuse, sexual abuse, or abusive sexual conduct involving a minor, specifically two counts of Criminal Sexual Conduct in the Second Degree, in or about January 2007 in Dakota County, Minnesota, court file number, 19K60600221116, did knowingly access with intent to view one or more matters which contained visual depictions that had been mailed, shipped and transported using a means and facility of interstate and foreign commerce, including by computer, and in and affecting interstate and foreign commerce, where the production of such visual depictions involved the use of a minor engaging in sexually explicit conduct and such depictions were of such conduct, all in violation of Title 18, United States Code, Sections 2252(a)(4)(B) and 2252(b)(2).



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COUNT 2

(Access with Intent To View Child Pornography)

On or about November 13, 2018, in the State and District of Minnesota, the defendant,

GARY ROBERT DRAKE,

having previously been convicted under the laws of any State relating to aggravated sexual abuse, sexual abuse, or abusive sexual conduct involving a minor, specifically two counts of Criminal Sexual Conduct in the Second Degree, in or about January 2007 in Dakota County, Minnesota, court file number, 19K60600221116, did knowingly access with intent to view one or more matters which contained visual depictions that had been mailed, shipped and transported using a means and facility of interstate and foreign commerce, including by computer, and in and affecting interstate and foreign commerce, where the production of such visual depictions involved the use of a minor engaging in sexually explicit conduct and such depictions were of such conduct, all in violation of Title 18, United States Code, Sections 2252(a)(4)(B) and 2252(b)(2).

COUNT 3

(Possession of Child Pornography)

On or about November 27, 2018, in the State and District of Minnesota, the defendant,

GARY ROBERT DRAKE,

having previously been convicted under the laws of any State relating to aggravated sexual abuse, sexual abuse, or abusive sexual conduct involving a minor, specifically two counts

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of Criminal Sexual Conduct in the Second Degree, in or about January 2007 in Dakota County, Minnesota, court file number, 19K60600221116, knowingly possessed one or more matters which contained visual depictions that had been mailed, shipped, and transported using any means of and in and affecting interstate and foreign commerce, including by computer, where the production of such visual depictions involved the use of a prepubescent minor engaging in sexually explicit conduct and such visual depictions were of such conduct, all in violation of Title 18, United States Code, Sections 2252(a)(4)(B) and 2252(b)(2).

FORFEITURE ALLEGATIONS

Counts 1 through 3 of this Indictment are hereby realleged and incorporated as if fully set forth herein by reference, for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 2253(a).

As a result of the foregoing offenses, the defendant,

GARY ROBERT DRAKE,

shall forfeit to the United States pursuant to Title 18, United States Code, Section 2253(a):

(1) any visual depiction described in Section 2251, 2251A, 2252, 2252A, 2252B or 2260 of Chapter 110 of Title 18, United States Code, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of Chapter 110 of Title 18, United States Code;

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(2) any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offenses; and

(3) any property, real or personal, used or intended to be used to commit or to promote the commission of such offenses or any property traceable to such property, including the following:

- (a) Hitachi 1TB hard drive, serial number HZ12ZKBC;
- (b) Seagate 1TB hard drive, serial number Z1D1R8C9;
- (c) Velocity Computer Micro desktop computer, serial number 870666;
- (d) Western Digital Easystore 1TB hard drive, serial number WXC1A47LNHKA; and
- (e) Gateway Windows 7 Computer, Model SX2803UB20P, serial number, 11801997696.

If any of the above-described forfeitable property is unavailable for forfeiture, the United States intends to seek the forfeiture of substitute property as provided for in Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 2253(b).

All in violation of Title 18, United States Code, Sections 2252(a)(4)(B), 2252(b)(2), and 2253(a).

A TRUE BILL

UNITED STATES ATTORNEY

FOREPERSON